

APPEAL NO. 032817
FILED DECEMBER 8, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 23, 2003. The hearing officer determined that the compensable injury of _____, extends to include the right hip, right knee, right leg, and low back, as well as the coccyx. The appellant (carrier) appeals on sufficiency of the evidence grounds. The respondent (claimant) asserts that the carrier's appeal is untimely and, in the alternative, urges affirmance.

DECISION

Affirmed.

A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code. Section 410.202(a) and (d). Texas Workers' Compensation Commission records indicate that the carrier received the hearing officer's decision on October 6, 2003. The last date for the carrier to timely file an appeal was October 27, 2003. The carrier's appeal is stamped as received by the Chief Clerk of Proceedings on that date. The appeal is, therefore, timely.

The hearing officer did not err in determining that the compensable injury extends to include the right hip, right knee, right leg, and low back, as well as the coccyx. This determination involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the record evidence, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Margaret L. Turner
Appeals Judge